

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

HOANG TRUONG,)
)
Plaintiff,)
)
v.) **Case No. CIV-14-1323-R**
)
E. BURNETT et al.,)
)
Defendants)

ORDER

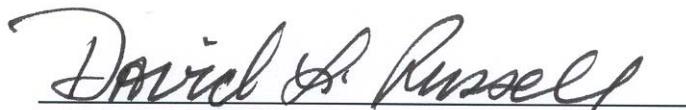
Before the Court is the Report and Recommendation of United States Magistrate Judge Charles B. Goodwin entered December 3, 2014. Doc. No. 5. Plaintiff has filed an Objection to the Magistrate Judge's conclusions in the Report and Recommendation. Doc. No. 6. Pursuant to 28 U.S.C. § 636(b)(1)(B), the Court reviews the Report and Recommendation *de novo* in light of Plaintiff's objections.

Plaintiff, a state prisoner appearing pro se, filed an application to proceed *in forma pauperis*. Doc. No. 2. Attached to his application is his Account Statement from North Fork Correctional Facility, which shows that Plaintiff has \$612.04 in his account. *Id.*, Attach. 1, at 1. Plaintiff also stated on his application that he has no debts or financial obligations. *Id.* at 2. The Magistrate Judge recommends that the Court deny Plaintiff's application because he has sufficient funds in his account to prepay the filing fee in full. Doc. No. 5, at 1. Plaintiff objects, stating that he "has a substantial amount of time left exceeding over 15 years and has no source of income other than the money in his inmate trust account." Doc. No. 6, at 1. The Court agrees with the reasoning of the Magistrate

Judge. *See United States v. Hailey*, 20 F. App'x 762, 763 (10th Cir. 2001) (unpublished) (“Hailey’s motion to proceed in forma pauperis on appeal is DENIED. Hailey’s prison account reveals sufficient funds to pay the filing fee immediately rather than on the delayed payment schedule provided for in 28 U.S.C. § 1915(b)(1).”).

The Report and Recommendation is ADOPTED in its entirety and Plaintiff’s Application to Proceed in District Court Without Prepaying Fees or Costs [Doc. No. 2] is DENIED. Plaintiff shall pay the full \$400.00 filing fee within twenty-one days of this Order.¹

IT IS SO ORDERED this 12th day of December, 2014.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE

¹ *See* LCvR 3.3(e) (“Failure to pay the filing fees by the date specified, to seek a timely extension within which to make the payment, or to show cause in writing by the date specified for payment shall be cause for dismissal of the action without prejudice to refiling.”).